



Members: Councilmembers Hayden (Chair), Brown, Hochstatter and Hamilton (Alt.)

Staff: Community Development Director Ryan Windish

Copies to: Mayor, Councilmembers Bitetto, Neuman and Reed, City Administrator Wilson

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VIRTUAL MEETING INFORMATION

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Meeting ID: 851 9772 0366

By Phone: 12532158782 US (Tacoma)

CALL TO ORDER

Roll Call: Brown, Hamilton, Hayden, Hochstatter

COMMITTEE BUSINESS

1. Interchange Commercial Regulations Update
2. Specialized Recreation Services
3. International Building and Fire Codes Update

REPORTS

1. Permit Activity Report

ADJOURNMENT

SUBJECT: Interchange Commercial Regulations Update

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Interchange Commercial Update Staff Report to PC-082421
 2. Exhibit A-Interchange Commercial Update-Summary-073021
 3. Exhibit B-Interchange Commercial Ordinance-Draft-073021
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STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The proposal is for an update to the Zoning Code to allow: 1) limited automotive collision services in the Interchange Commercial (IC) and Industrial zones; and 2) boat sales as an outright permitted use in the IC zone, including performance standards to address potential impacts. No project is proposed at this time.

In June 2021, the City received a request from a property owner in the IC zone to update the code to allow these uses as outright permitted uses in the IC zone. The Planning Commission reviewed this proposal at a study session on August 19, 2021, and held a public hearing on the proposal on September 16, 2021. The Commission voted to recommend that the Council approve the ordinance as proposed. Staff will be available at the CD Committee meeting to discuss any public hearing comments and questions.

COUNCIL COMMITTEE/STUDY SESSION: CD Committee

MEETING/STUDY SESSION DATE: 9/22/2021

COMMITTEE RECOMMENDATION: Pending

STAFF RECOMMENDATIONS/MOTION:

Do pass



STAFF REPORT

DATE: August 24, 2021
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Associate Planner
RE: **Zoning Code Text Amendment - Interchange Commercial Zone Public Hearing**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The Planning Commission reviewed this proposal at a study session on August 19, 2021. The meeting on September 2, 2021 will include a public hearing to take public comments on the proposal, followed by discussion and recommendations.

In June 2021, the City received a request from a property owner in the Interchange Commercial (IC) zone to update the zoning code to allow: 1) auto collision services and 2) boat sales as permitted uses. These uses are not permitted outright in the IC Zone. Auto collision services are prohibited and boat sales are considered heavy equipment sales and require a conditional use permit. In many instances these uses are comparable to, and can be compatible with other uses currently allowed in the zone, particularly if subject to performance standards to address potential impacts.

II. DESCRIPTION OF PROPOSAL

The goal of this update is to expand opportunities for businesses that may be compatible with other uses in the IC zone, while minimizing associated impacts on surrounding properties. There are two areas of proposed code changes: adding boat sales and auto collision services as outright permitted uses. Staff recommends updating the regulations to permit these uses, and adding performance standards to address potential impacts.

A. BOAT SALES

"Boat sales and repair" is currently included with heavy equipment sales, which is only allowed as a conditional use. Heavy equipment includes equipment like cranes and large excavation machinery. While *repair* of large boats could have negative impacts, *sales* of boats could be compatible with surrounding commercial uses. It would be similar to sales of recreational vehicles (e.g. Poulsbo RV) and sales of large commercial trucks (e.g. Peterbilt) which are currently allowed. Staff proposes allowing boat sales but not boat repair, given the potentially greater impacts. In order to support boat sales as an outright permitted use, staff proposes separating it out from heavy equipment sales. Updates to definitions are proposed to distinguish boat sales from other types of uses.

B. AUTO COLLISION SERVICES

Auto body repair/collision services (defined as “vehicle repair major”) is prohibited in the IC zone. This is a use allowed only in industrial zones due to the impacts of noise, odors, etc. However, collision services for passenger vehicles only, if conducted indoors, could have minimal impacts on neighboring properties. In other cities, collision centers are often located in commercial zones, service only passenger vehicles, and work is conducted indoors with few external impacts. With performance standards that require indoor repair work only and that require screening of outdoor storage of vehicles in disrepair, a collision center can be compatible with other commercial uses in the IC zone. Staff is proposing to create an “automotive collision center” use that would be allowed outright in Interchange Commercial, but not for collision work on heavy duty commercial trucks, boats or heavy equipment. This use would also be added to allowed uses in industrial zones. Staff proposes updating definitions to distinguish different types of collision services.

Attached in Exhibit A is a table summarizing the proposed amendments. The draft ordinance is presented in Exhibit B, attached.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below. Further, the proposal is consistent with the purpose of the IC zone in SMC 18.16.010: *“The IC district is intended to provide for retailing and other commercial services that are easily accessible from the freeway, yet are not located near residential districts. Such commercial developments primarily rely on the automobile as their principal source of access.”*

LAND USE ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for establishing land uses in appropriate areas. Goals to minimize incompatibility between land use types while allowing for a mix of land uses would be met. Further, the proposal is consistent with the following specific policies:

- 1.1 *Ensure... appropriate transitions so that more intensive uses do not adversely impact adjacent uses.*
- 1.1.1 *Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.*
- 1.1.2 *Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.*

ECONOMIC DEVELOPMENT ELEMENT

The proposal is consistent with the overall intent of the Economic Development Element as it would support a variety of businesses that may benefit from proximity to a freeway interchange, while minimizing impacts on adjacent businesses. Further, the proposal is consistent with the following specific policies:

- 1.0 *Seek and maintain a strong and diverse economy with a variety of different types and sizes of business, industry and employment.*
- 1.1 *Provide adequate land for different kinds of businesses and development to support this element.*

COMMUNITY CHARACTER ELEMENT

The proposal is consistent with Comprehensive Plan policies and goals for maintaining community character. Goals to minimize incompatibility between land use types while allowing a range of land uses would be met. Further, the proposal is consistent with the following specific policies:

- 1.2 *Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 1.5 *Encourage in the community a continuous commitment to maintaining Sumner's character and*

quality of place, including land conservation and stewardship, wise management of streetscapes and public viewsheds, property maintenance, and historic preservation.

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would promote the economic vitality and prosperity of Sumner. It is also consistent with the purpose of the IC zone. The amendment would allow a wider range of businesses to locate in the Interchange Commercial zone, and bring additional commercial opportunities to Sumner. At the same time, the proposed amendment includes performance standards to minimize impacts to the streetscape, public ways and surrounding properties, thereby maintaining community character, and protecting the public safety and welfare.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on August 10 2021.

V. PUBLIC & AGENCY COMMENT

No public or agency comments have been received since the publication of this report.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommendation pending public hearing on September 2, 2021.

VIII. EXHIBITS

- A. Table summarizing amendments
- B. Draft ordinance for adopting changes

EXISTING CODE & PROPOSED CHANGES	NOTES ON CHANGES
18.04.0135 Automotive sales. “Automotive sales” means a retail sales and service use in which <u>automobiles and small</u> motorized vehicles, <u>including such as</u> cars, light duty trucks <u>up to 14,000 pounds gross vehicle weight rating</u>, similar passenger vehicles, <u>and</u> motorcycles, <u>and ATVs, snowmobiles, and similar small passenger vehicles</u> are leased or sold. This does not include heavy duty commercial trucks, buses, <u>boats</u>, or recreational vehicles. 18.04.0710 Motorized vehicle sales. “Motorized vehicle sales” means a retail sales and service use in which motorized vehicles, such as buses, recreational vehicles, or travel trailers, <u>and boats</u>, are leased or sold. 18.04.0486 Heavy equipment and/or boat sales. “Heavy equipment and/or boat sales” means a retail sales and service use in which equipment, including, but not necessarily limited to, construction and farm tractors, excavating machinery, and machinery for mining and similar uses, <u>and boats</u> are rented or sold. TABLE 18.16.20 allowed uses: • “Automotive <u>sales</u> and motorized vehicle <u>sales</u>,” = P in IC & GC • Heavy equipment <u>and/or boat</u> repair, accessory to a permitted use⁹ = P • Heavy equipment <u>and/or boat</u> sales = CUP • Truck sales with 10,000 sq.ft. associated professional offices = P	a. To allow collision services for passenger cars only, need to better define passenger cars/trucks as distinct from heavy equipment and large vehicles. b. To distinguish different types of vehicles, staff proposes updates to definitions of motorized vehicle sales, and automotive sales. c. A weight limit is added to further distinguish between passenger vehicles (note that many newer passenger trucks are at 14,000 pounds and commercial trucks exceed that). d. Remove boats from heavy equipment definition; place boats under “motorized vehicles sales” so that boat sales can be outright permitted. This will expand the uses allowed in the IC zone. e. Table listing allowed uses: • Both automotive sales and motorized vehicle sales (which will now include boats) would be allowed outright in the IC zone.
18.04.0140 Automotive repair. See <u>Vehicle repair, automotive collision</u>, “Vehicle repair, minor” and “Vehicle repair, major.” 18.04.1095 Vehicle repair, minor. “Minor vehicle repair” means an automotive <u>sales or motorized vehicle retail</u> sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles <u>of 10,000 pounds or less gross vehicle weight</u>; but not including any operation included in the definition of “major vehicle repair.” 18.04.1090 Vehicle repair, major. “Major vehicle repair” means <u>a n automotive retail sales and service</u> use in which one or more of the following activities are carried out: A. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over <u>10,000 14,000</u> pounds gross vehicle weight <u>rating</u>; B. Collision services, including body, frame or fender straightening or repair; C. Overall painting of vehicles or including painting of vehicles in a paint shop; <u>or</u> D. Dismantling of motorized vehicles in an enclosed structure.	f. Minor vehicle repair currently includes incidental service for both automobiles and recreational vehicles (e.g. dealerships). g. Remove vehicle weight from definition because many RV's being serviced are larger. h. Revise definition to clarify that major vehicle repair/collision does not need to be (and is usually not) associated with sales. Update vehicle weight.
18.04.1092 Vehicle repair, automotive collision. “Automotive collision repair” means <u>a use in which one or more of the following activities are carried out on passenger vehicles and similar small vehicles listed under automotive sales at SMC 18.04.0135, but not on boats, recreational vehicles or heavy equipment:</u> <u>A. Reconditioning; or</u> <u>B. Collision services, including body, frame or fender straightening or repair; or</u> <u>C. Overall painting of vehicles, including painting in a paint shop; or</u> <u>D. Dismantling of vehicles.</u> Table 16.18.020 allowed uses: • <u>Vehicle repair, automotive collision</u> = P • Vehicle repair, minor = Already allowed outright in IC • Vehicle repair, major = Not allowed, No change	i. Add new definition for automotive collision work on passenger cars/trucks. j. Continue the current prohibition on collision repair for semi-trucks, boats and heavy equipment. Such repair brings more noise, odors, aesthetic impacts, and also impacts of traffic and large tow trucks. Screening may not be adequate for storing tall vehicles and equipment. k. Boat repair of any kind is currently not allowed as “minor vehicle repair” and also would not be allowed as “vehicle repair, automotive collision.” Would be considered major vehicle repair and only allowed in industrial zones. l. Table listing allowed uses: • Allow passenger vehicle collision repair as outright permitted use in Interchange Commercial if performance standards are met (see section below).

18.16.080 Commercial districts – Performance standards. <u>W. Vehicle repair, automotive collision.</u> <u>1) All reconditioning, body work, painting, dismantling and similar repair shall be conducted indoors. No outdoor storage of vehicles in disrepair is allowed, except temporary staging of a reasonable duration while awaiting repair.</u> <u>2) Outdoor staging of vehicles awaiting repair is allowed, provided staging area does not exceed two hundred percent of indoor repair floor area or one acre, whichever is less; and provided staging area is screened in accordance with subsection 4) of this section.</u> <u>3) Outdoor staging shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor staging is allowed between a building and a side street lot line;</u> <u>4) Outdoor staging areas shall be screened from view of adjacent commercial properties, public right-of-way and public bicycle or pedestrian paths.</u> <u>a) Such screening may be accomplished by blocking sight lines with building walls, tall opaque fencing, or similar tall structures; or providing a landscape buffer as described herein; or a combination of these methods.</u> <u>b) Landscape buffers shall be a minimum of 10 feet wide, shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper at time of planting. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub shall be planted, that reaches a mature size of 3 feet tall. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting.</u> <u>5) The director may modify the requirements for screening, spacing, number and size of plantings, and berms upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.</u>	m. Add performance standards for collision centers to require repair work indoors only and screening for outdoor vehicle staging areas. • A 10 foot wide landscape strip is the minimum practical to accommodate a berm and mature evergreen trees. This is what's required in the Sumner design guidelines, but is less than the 15 to 20 foot required setbacks in IC zone. • All screening requirements may be modified by the director, depending on site characteristics and visibility.
MANUFACTURING ZONES Table 18.18.020 allowed uses: • Vehicle repair, major = P all zones, No change • <u>Vehicle repair, automotive collision = P</u>	n. Collision centers (aka “vehicle repair major”) are already allowed in manufacturing zones. It follows that regular passenger vehicle-type collision centers should also be allowed. o. Staff proposes adding a permitted use for regular automotive collision service. In industrial zones, performance standards are deemed unnecessary.

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING CODE REGULATIONS FOR THE INTERCHANGE COMMERCIAL ZONE CHAPTER 18.16 AND INDUSTRIAL ZONES CHAPTER 18.18; AND AMENDING CHAPTER 18.04 DEFINITIONS.

WHEREAS, the Sumner Municipal Code allows uses in the Interchange Commercial zone that are more intensive than those in other commercial zones, and that are suitable for locations visible and accessible from the freeway; and

WHEREAS, boat sales is not a use permitted outright in the Interchange Commercial zone but is comparable to, and compatible with, other motorized vehicle sales that are currently allowed in the zone; and

WHEREAS, automotive collision services is not a use permitted outright but, with appropriate performance standards, would be compatible with other Interchange Commercial uses; and with other uses allowed in industrial zones; and

WHEREAS, the Sumner Municipal Code contains performance standards for various uses in all zones, to reduce potential impacts from certain uses, to maintain the city's community character and visual quality and to protect public health and safety; and

WHEREAS, in order to allow a broader range of opportunities for commercial uses to locate and operate in the Interchange Commercial zone, Light Industrial zone and Heavy Industrial zone, it is necessary to amend the Zoning Code;

WHEREAS, the Planning Commission held a duly-advertised public hearing on (date XX) on the proposed amendments, followed by a study session on (date)XX; and

WHEREAS, on (date) XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed allowable use updates to the Zoning Code as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on _____ (date); and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Zoning Code amendments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0135 is hereby amended to read as follows:

18.04.0135 Automotive sales. “Automotive sales” means a retail sales and service use in which automobiles and small motorized vehicles, including such as cars, light duty trucks up to 14,000 pounds gross vehicle weight rating, similar passenger vehicles, ~~and~~ motorcycles, and ATVs, snowmobiles, and similar small passenger vehicles are leased or sold. This does not include heavy duty commercial trucks, buses, boats, or recreational vehicles.

Section 2. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0710 is hereby amended to read as follows:

18.04.0710 Motorized vehicle sales.

“Motorized vehicle sales” means a retail sales and service use in which motorized vehicles, such as buses, recreational vehicles, ~~or~~ travel trailers, and boats, are leased or sold.

Section 3. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0486 is hereby amended to read as follows:

18.04.0486 Heavy equipment ~~and/or boat~~ sales.

“Heavy equipment ~~and/or boat~~ sales” means a retail sales and service use in which equipment, including, but not necessarily limited to, construction and farm tractors, excavating machinery, and machinery for mining and similar uses, ~~and boats~~ are rented or sold.

Section 4. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.0140 is hereby amended to read as follows:

18.04.0140 Automotive repair. See Vehicle repair, automotive collision, “Vehicle repair, minor” and “Vehicle repair, major.”

Section 5. That Sumner Municipal Code Chapter 18.04, Definitions, is hereby amended to add a new definition as follows:

18.04.1092 Vehicle repair, automotive collision. “Automotive collision repair” means a use in which one or more of the following activities are carried out on passenger vehicles and similar small vehicles listed under automotive sales at SMC 18.04.0135, but not on boats, recreational vehicles or heavy equipment:

A. Reconditioning; or

B. Collision services, including body, frame or fender straightening or repair; or

C. Painting of vehicles including painting in a paint shop; or

D. Dismantling of vehicles.

Section 6. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.1095 is hereby amended to read as follows:

18.04.1095 Vehicle repair, minor.

“Minor vehicle repair” means an automotive ~~sales or motorized vehicle retail~~ sales and service use in which general motor repair work is done as well as the replacement of new or reconditioned parts in motorized vehicles ~~of 10,000 pounds or less gross vehicle weight~~; but not including any operation included in the definition of “major vehicle repair.”

Section 7. That Sumner Municipal Code Chapter 18.04, Definitions, Section 18.04.1090 is hereby amended to read as follows:

18.04.1090 Vehicle repair, major.

“Major vehicle repair” means ~~a n automotive retail sales and service~~ use in which one or more of the following activities are carried out:

- A. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ~~10,000~~ 14,000 pounds gross vehicle weight ~~rating~~;
- B. Collision services, including body, frame or fender straightening or repair;
- C. ~~Overall painting~~ Painting of vehicles ~~or including painting of vehicles~~ in a paint shop; or
- D. Dismantling of motorized vehicles in an enclosed structure.

Section 8. That Sumner Municipal Code Section 18.16.080, Performance standards, is hereby amended to add a new subsection as follows:

W. Vehicle repair, automotive collision.

1) All reconditioning, body work, painting, dismantling and similar repair shall be conducted indoors. No outdoor storage of vehicles in disrepair is allowed, except temporary staging of a reasonable duration while awaiting repair.

2) Outdoor staging of vehicles awaiting repair is allowed, provided staging area does not exceed two hundred percent of indoor repair floor area or one acre, whichever is less; and provided staging area is screened in accordance with subsection 4) of this section.

3) Outdoor staging shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor staging is allowed between a building and a side street lot line;

4) Outdoor staging areas shall be screened from view of adjacent commercial properties, public right-of-way and public bicycle or pedestrian paths.

a) Such screening may be accomplished by blocking sight lines with building walls, tall opaque fencing, or similar tall structures; or providing a landscape buffer as described herein; or a combination of these methods.

b) Landscape buffers shall be a minimum of 10 feet wide, shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper at time of planting. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub shall be planted, that reaches a mature size of 3 feet tall. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting.

5) The director may modify the requirements for screening, spacing, number and size of plantings, and berms upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.

Section 9. That SMC Section 16.18.0620, Principal and Conditional uses, is hereby amended to read as follows:

“18.16.020 Principal and conditional uses.

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses.”

		NC	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	—	P	P
3.	Artist’s studio and workshop having a retail component comprising at least 15% of the total floor area	P ¹	P	P
4.	Automotive <u>sales</u> and motorized vehicle sales	—	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P
6.	Business and consumer services, including advertising, property management, and consulting services ⁹	P	P	P
7.	Car wash ⁹	—	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC		
9.	Cemeteries	—	CUP	CUP
10.	Churches	P	P	P
11.	Contractor business ⁶	—	—	P
12.	Convenience store ⁹	CUP	P	P
13.	Dancehalls	—	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080 ⁹	—	P	P
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080	CUP	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P

		NC	GC	IC
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	—	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	—	CUP	—
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use ⁹	—	—	P
22.	Heavy equipment and/or boat sales	—	—	CUP
23.	Hospitals	CUP	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	—	CUP	—
26.	Light-medium equipment sales	—	—	P
27.	Major utility facility	CUP	CUP	—
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P
30.	Miniwarehouses	—	—	—
31.	Existing miniwarehouses ¹²	—	P	P
32.	Minor utility facility	P	P	P
33.	Motels ⁹	CUP	P	P
34.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040	P	P	—
35.	Outdoor storage	—	—	—
36.	Public parks and public recreation facilities	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas, photographic studios, tailor-dressmaking shops ⁹	P	P	P
38.a.	Performing and cultural uses, minor	CUP	P	P

		NC	GC	IC
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P
39.	Public facilities	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	—
41.	Private off-street parking lots, paid	—	—	—
42.	Public off-street parking lots	P	P	—
43.	Public off-street parking lots, paid	—	—	—
44.	Public garage	—	CUP	CUP
45.	Recycling collection station	—	P	P
46.	Restaurants ⁹	P	P	P
47.	Retail business ⁹	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP
48.b.	Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area	CUP	P	P
49.	Storage/warehouse and distribution facilities	—	—	—
50.	Streets	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	—	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
53.	Truck-related retail and services ⁹	—	—	P
54.	Truck stops	—	—	—
55.	Truck terminals	—	—	—
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	—	CUP	P
57.	Utility yard	CUP	CUP	—
58.a.	Vehicle repair, minor ⁹	—	P	P
58.b.	Vehicle repair, automotive collision ¹⁰	—	—	P
59.	Veterinary clinics, excluding outdoor boarding kennels ⁹	—	P	P
60.	Vocational or fine arts school; except in NC allowed up to 5,000 square feet floor area	CUP	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP
62.	Car rental agency	—	P	P

		NC	GC	IC
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	P
65.	Truck sales with 10,000 square feet associated professional offices	—	—	P

¹Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

⁶Contractor businesses are only permitted on lots within the IC zoning district in the vicinity of 24th Street East that abut industrial-zoned land on two sides. Contractor businesses shall meet the performance standards in SMC 18.16.080(T) and are a prohibited use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map.

⁷Health and fitness clubs in the neighborhood commercial district shall not exceed 3,000 square feet in total floor area.

⁹Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC 18.42.046.

¹⁰Vehicle repair, automotive collision subject to performance standards in SMC 18.16.080(W).

¹²No expansion of use or structure(s) allowed.

Section 10. That Sumner Municipal Code section 18.18.020 “Principal, Administrative and Conditional Uses,” is hereby amended to read as follows:

“18.18.020 Principal, administrative and conditional uses.

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an “A” is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where “--” is indicated, the respective use is not allowed. Where a “1” or “2” is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.”

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P

		M-1	M-2	MICO (M-1/M-2)
2.	Adult entertainment businesses, subject to chapter 18.38 SMC	P	P	P
3.	Agricultural activities, including mitigation banks	P	P	P
4.	Air separation facilities	--	P	CUP/P
5.	Auction houses, wholesale	--	--	--
6.	Battery storage, distribution, and processing business	P	P	P
7.	Breweries	CUP ¹	P	CUP ¹ /P
8.	Cemeteries and crematories	CUP	CUP	CUP
9.	Contractor business ³	P	P	P
10.	Colleges and universities with no dormitories	CUP	CUP	CUP
11.	Commercial laundries	CUP ¹	P	CUP ¹ /P
12.	Indoor commercial recreation and/or clubs, gymnastics facilities, baseball practicing facilities, tennis clubs, but not including racetracks	P	P	P
13.	Outside commercial recreation fields and/or clubs, baseball fields, fairgrounds, golf driving ranges, animal race tracks, stadia, and tennis clubs	CUP	CUP	CUP
14.	Day care centers	CUP	--	CUP/--
15.	Electrical power generation and cogeneration	--	CUP	--/CUP
16.	Enclosed salvage and wrecking operations	P	P	P
17.	Existing residential dwellings lawfully constructed as of the effective date of this title	P	P	P
18.	Film processing plant	CUP ¹	P	CUP ¹ /P
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP ¹	P	CUP ¹ /P
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A ¹	P	A ¹ /P
21.	Hazardous waste off-site treatment and storage facilities	--	--	--
22.	Hazardous waste on-site treatment and storage facilities	CUP	--	CUP/--
23.	Hospitals	CUP	CUP	CUP
24.	Hotels and motels	P	P	--

		M-1	M-2	MICO (M-1/M-2)
25.	Indoor kennels	P ¹	P ¹	P ¹
26.	Lumber and wood products manufacturing or assembly	P	P	P
27.	Major utility facilities	P	P	P
28.	Assembly of heavy equipment, airplanes, or vehicles	P	P	P ⁵ /P
29.	Manufacturing, processing or assembly of metals, heavy equipment, airplanes, or vehicles	P	P	P ⁵ /P
30.	Manufacturing, refining or storage of noxious, volatile, toxic or explosive products as a principal use	--	--	--
31.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP
32.	Medical equipment manufacturing plant	P	P	P
33.	Minor utility facilities	P	P	P
34.	Mini-warehouses	P	--	--
35.	Outside storage yards as a principal use	P	P	P
36.	Paper and allied products manufacturing	CUP ¹	P	CUP ¹ /P
37.	Parks	CUP	CUP	CUP
38.	Pharmaceutical plants	P	--	P/P ¹
39.	Prepared material, manufacturing, processing or package plants	P	P	P
40.	Prepared metal processing and assembly plant	P	P	P
41.	Professional and business offices	P ²	P	P ² /--
42.	Professional and business offices, accessory to an allowed or conditional use on the same lot and/or in the same complex	P	P	P
43.	Public facilities	CUP	CUP	CUP
44.	Wireless communication facilities	See chapter 18.37 SMC	See chapter 18.37 SMC	See chapter 18.37 SMC
45.	Recycling centers	CUP	P	CUP/P
46.	Restaurants, with no bar	P	P	P
47.	Rock, stone, brick, concrete or asphalt, batching or assembly	--	CUP ⁶	CUP ⁶

		M-1	M-2	MICO (M-1/M-2)
48.	Sales and rental of heavy machinery and equipment	P	P	P
49.	Salvage and wrecking yards	--	P	--/P
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
52.	Smelting, blast furnace or forging plants	--	P	--/P
53.	Storage/warehouse and distribution facilities	P	P	P
54.	Streets	P	P	P
55.	Taverns, micro-breweries, brewpubs, and bars	P	P	P
56.	Tow truck operation/impoundment yard ⁴	--	P	--/P
57.	Tow truck operations	P	P	P
58.	Truck terminals	P	P	P
59.	Utility yard	P	P	P
60.a.	Vehicle repair, major	P	P	P
60.b.	<u>Vehicle repair, automotive collision</u>	<u>P</u>	<u>P</u>	<u>--</u>
61.	Vocational and art schools	P	--	P/--
62.	Water towers and water supply plants	CUP	CUP	CUP
63.	Commercial use, accessory to an industrial use on the same lot and/or in the same complex	P	P	P
64.	General commercial uses which are not otherwise listed above	P	--	P ² /--
65.	Churches	P	P	P
66.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP

¹Prohibited within 1,000 feet of residentially zoned lands.

²Within MICO, limited to 10,000 square feet of gross floor area per development site unless it is an accessory use.

³Contractor businesses with accessory outdoor storage shall meet the requirements of SMC 18.18.060(C).

⁴An auto impoundment yard shall meet the screening requirements for outdoor storage in SMC 18.18.060(C).

⁵Prohibited within 1,000 feet of residentially and neighborhood commercial zoned lands.

⁶Asphalt batching operations shall meet the following requirements: (a) loaded trucks leaving the site shall be covered using best available technology; (b) comply with the noise control code of chapter 8.14 SMC; and (c) meet or exceed regional, state, and federal air and emission levels.

Section 11. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 12. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 13. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2021.

Mayor William L. Pugh

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

SUBJECT: Specialized Recreation Services

CATEGORY: Resolution

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Contract for Specialized Rec Services

STAFF CONTACT: Derek Barry, Community Services Manager

SUMMARY BACKGROUND:

Pierce County provides programs and services for youth and adults with disabilities living in Pierce County. These programs include leadership, life skills, and sports programming. Getting to these programs and services in west Pierce County is often time-consuming and a burden for those living in east Pierce County. Pierce County is partnering with communities in east Pierce County to better serve and meet the needs of our residents with disabilities by having them available closer to home.

Pierce County was awarded a Community Development Block Grant to pay for this program in 2022. Future costs for the City of Sumner will be \$8.00 (50% of cost) per qualified participant hour with a maximum annual contribution of \$5,000, effective in 2023. The term of the agreement shall expire December 31, 2023, with an auto-renewal until December 31, 2030. Either party may terminate the agreement with 120 days notice.

COUNCIL COMMITTEE/STUDY SESSION: Community Development Committee
--

MEETING/STUDY SESSION DATE: 9/22/2021

COMMITTEE RECOMMENDATION: do-pass

STAFF RECOMMENDATIONS/MOTION:

A motion to adopt Resolution No. 1597 authorizing the Mayor to enter into a contract between the City of Sumner and Pierce County related to Specialized Recreation Services in a form as approved by the City Attorney.

**AGREEMENT BETWEEN PIERCE COUNTY, WASHINGTON AND
THE CITY OF SUMNER
REGARDING PROGRAMMING FOR SPECIALIZED RECREATION SERVICES**

This Agreement (“AGREEMENT”) is entered into this 18th day of October, 2021 by and between PIERCE COUNTY, a municipal corporation and political subdivision of the State of Washington (hereinafter the “Pierce County”) and the City of Sumner, a Washington Municipal Corporation (hereinafter the “City”), and collectively the “Parties”, in consideration of the mutual covenants contained and agreements herein. The Parties hereby recite and agree as follows:

WHEREAS, the City is interested in meeting the needs of its youth and adult residents with disabilities through specialized recreation programs and services; and

WHEREAS, the City has determined that a countywide approach is the best means of meeting the specialized recreation needs of its citizens with disabilities and Pierce County has facilities, programs and staffing that can facilitate and accommodate those needs; and

WHEREAS, Pierce County provides programs and services for persons with disabilities living in Pierce County (recreational, leadership, life skills, and sports programming for persons with disabilities) which it would like to expand and enhance into the City’s corporate limits; and

WHEREAS, Pierce County has the trained staff, equipment and transportation options to deliver such programs and services to the City’s residents; and

WHEREAS, the City would like to contract with Pierce County to provide specialized recreation programs and services to the citizens of Sumner.

NOW, THEREFORE, for and in consideration of the mutual promises and compensation set forth herein, the sufficiency of which is acknowledged by both Parties, the Parties agree as follows:

I. SERVICES BY COUNTY

- A. Pierce County agrees to provide and perform programs and services to youth and adult residents with disabilities through a variety of specialized programs and services (“Specialized Rec Programs”) and to work collaboratively with the City for Specialized Recreation Services as provided in this Agreement. Pierce County will give City residents the same registration priority and rate structure as that given to residents with disabilities and other qualified participants within Pierce County’s unincorporated area for Specialized Recreation Programs.
- B. All services and all duties incidental or necessary thereto shall be conducted and performed diligently and completely and in accordance with professional standards of conduct and performance.
- C. Pierce County agrees to provide a single point of contact for service coordination and marketing information for services that will be hosted at a City-provided location.
- D. Pierce County will provide a variety of Specialized Rec Programs intended to meet the diverse needs of persons with developmental and cognitive disabilities in both inclusive and specialized settings.

- E. Pierce County will manage registration for all programming and provide data on participant residency to the City on a quarterly basis.
- F. Pierce County will organize a Consortium for Specialized Recreation Services made up of the eighteen cities and towns in the Pierce County Consortium of Cities and Towns (DuPont, Carbonado, Edgewood, Gig Harbor, Puyallup, South Prairie, Buckley, Fife, Milton, Roy, Sumner, Wilkeson, University Place, Eatonville, Fircrest, Orting, Ruston, and Steilacoom), Park Districts, and the City of Lakewood.
- G. Pierce County will convene joint program operations consultation (advisory) meetings with Consortium members no less than three (3) times a year and prior to the next new Specialized Rec Program commencement date.
- H. Pierce County agrees to develop, implement, maintain and support a steering committee that includes representatives from Consortium municipalities twice a year. The intent is to create a collaborative coalition of leadership level stakeholder interests who can meet on a regular basis to discuss issues related to implementation of the Specialized Rec Programs as well as participate in shaping future versions of the Specialized Rec Programs.

II. SERVICES BY CITY

- A. The City may offer a location for programming to ensure access for its local residents. The City and County will jointly determine program locations (90) days in advance for program planning and promotion. If a City park or facility becomes unavailable, the City will provide an alternative location for the scheduled program. The City will specify a contact person at the park or facility to coordinate the use of the park or facility and provide necessary site supervision and access.
- B. The City will promote Specialized Rec Program opportunities to its residents in addition to Pierce County's promotions of the program.

III. COMPENSATION

- A. The City will pay Pierce County program costs for participation hours of qualified residents in Specialized Rec Programs at a per participant per hour rate, as set forth in Attachment A. A "qualified resident" is a person who resides within the boundaries of the City. Residency will be determined by comparing the participant's registration address to the Pierce County Assessor-Treasurer Database.
- B. Pierce County will issue invoices to the City for the Specialized Rec Programs provided to qualified residents on a quarterly basis. Invoices will include supporting documents and an itemization of the qualified resident's name, residency and the hours the resident participated in the Specialized Rec Programs for the invoice period. Pierce County will provide an itemization of income, expenses and cost per participant per hour to the City at least twice a year. In no event will the City's total annual payments to Pierce County exceed the payment ceiling specified in Attachment A regardless of the total number of qualified resident participants or participant hours in the Specialized Rec Programs provided under this Agreement.

- C. Nothing in this Agreement precludes a third party from making a payment on behalf of the City towards the compensation requirement, and the City may provide additional funds to Pierce County to reduce the cost to a qualified resident for participating in a Specialized Rec Program.
- D. Unless otherwise specified in this Agreement, all payments shall be due Net-30 of the date of receipt of the invoice.
- E. There will be no compensation between Pierce County and the City for coordination of efforts or use of one party's facilities, except for any facilities where admissions are normally charged.

IV. TERM/TERMINATION OF AGREEMENT

- A. This Agreement shall commence on October 18, 2021 and shall terminate on December 31, 2023, with automatic annual renewal until December 31, 2030 conditioned upon the Parties allocating funding each budget cycle.
- B. Either party reserves the right to terminate or suspend this Agreement at any time, with or without cause, by giving one hundred and twenty (120) days' advance written notice to the other party. Pierce County shall be entitled to receive just and equitable compensation for any work performed or services provided under this Agreement prior to the date of suspension or termination not to exceed the payment ceiling in Attachment A.

V. OWNERSHIP OF WORK PRODUCT

Ownership of the writings, programs, classes performed by Pierce County in connection with the performance of this Agreement shall be the sole and absolute property of Pierce County. Notwithstanding the foregoing, to the extent required to comply with the Public Records Act (RCW 42.56), the City shall be permitted to provide responsive documents to any received public records request, whether or not the records are ultimately the property of Pierce County.

VI. ASSIGNMENT AND SUBCONTRACTING

No portion of this Agreement can be assigned, transferred, conveyed or subcontracted without the express and written approval of the Parties.

VII. NONDISCRIMINATION

To the extent permissible by law, Pierce County shall, in all hiring or employment made possible or resulting from this Agreement, take affirmative action to ensure that there shall be no unlawful discrimination against any employee or applicant for employment because of sex, race, age, color, creed, national origin, marital status or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification and this requirement shall apply to, but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship.

VIII. INDEMNIFICATION

To the extent permitted by law, the Parties shall protect, defend, indemnify, and save harmless each other, their respective officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, Indemnifying Party's negligent and/or wrongful acts or

omissions. Neither Party will be required to indemnify, defend, or save harmless each other if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other party. Where such claims, suits, or actions result from concurrent negligence and/or wrongful acts or omissions of each Party, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence and/or wrongful acts or omissions. The Parties agree that their respective obligations under this subsection extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each Party by mutual negotiation, hereby waives, with respect to the other party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of Title 51 RCW. In the event that the City or Pierce County incurs any judgment, award, and/or cost arising therefrom, including attorneys' fees, to enforce the provisions of this section, all such fees, expenses, and costs shall be recoverable by the prevailing party. This indemnification shall survive the termination of this Agreement.

IX. LIABILITY INSURANCE

Parties agree that each are self-insured and will provide evidence of the insurance to the other.

X. NOTICES

All notices or communication required pursuant to this Agreement shall be in writing and sent to the following:

Pierce County Parks

NeSha Thomas-Schadt, Parks & Recreation Manager
Pierce County Parks
9850 – 64th St. W
University Place, WA 98467

City

Derek Barry
Community Services Manager
City of Sumner
1104 Maple St.
Sumner, WA 98390

XI. SEVERABILITY

If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

XII. WAIVER

Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the Parties hereto.

XIII. COMPLIANCE WITH LAWS

Parties shall comply with all applicable State, Federal and municipal laws, ordinances, regulations and codes.

XIV. ASSIGNMENT, SUCCESSORS AND ASSIGNEES

This Agreement is personal to the Parties. As a result, the Parties will not assign, transfer, or otherwise dispose of any of the privileges granted under this Agreement without the prior written consent of the other Party.

XV. MODIFICATIONS

Either Party may request changes in the Agreement. Any and all agreed modifications shall be in writing, signed by each of the Parties.

XVI. ENTIRE AGREEMENT

This Agreement represents the entire agreement between the Parties and supersedes any prior oral statements, discussions or understandings between the Parties related to the subject matter herein.

**PIERCE COUNTY
CONTRACT SIGNATURE PAGE**Contract # CC-**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date(s) specified below.**CITY:**

Approved As to Legal Form Only:

Attorney

Date**Approved:**

Chief Financial Officer

Date

Department Director

Date

City Administrator/Mayor

DateMailing
Address:

Contact Name:

Phone:

Fax:

EMAIL:

PIERCE COUNTY:

Approved As to Legal Form Only:

Prosecuting Attorney

Date**Approved:**

Finance

Date

Department Director

Date
(less than \$250,000)

County Executive (over \$250,000)

Date

ATTACHMENT A**Compensation:**

The City agrees to pay an amount based on the participant hour rate, calculated at \$8.00 per qualified participant per hour. This amount will be waived in 2022 as Pierce County has obtained sufficient grant funding to pay for these specialized recreation services. Pierce County will not have any obligation to secure future grant funding on behalf of the City.

Pierce County may change the qualified participant hourly rate upon no less than 120 days' advance written notice. If there is a rate increase, the City may terminate this Agreement within thirty (30) days of receipt of the rate increase.

The City's maximum contribution , effective 2023, shall be \$5,000.00 annually, unless adjusted in writing and approved by the Parties by August 1, the year prior to services renewing or an agreement is presented to allow for expanded participation by the City's residents. This allows both Parties to properly budget and for Pierce County to receive staffing authorization for an adequate level of service to accommodate City residents.

The \$8.00 per participant per hour rate is based on a 50% participant cost recovery rate which will guide future changes to charges.

SUBJECT: International Building and Fire Codes Update

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. XXXX International Building Fire Code Revisions-DRAFT2
-

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

This ordinance would adopt the latest version of the International Building Code and International Fire Code. The current codes are the 2015 editions; this would update each code to the 2018 editions. Each of the codes is adopted by a separate section of Sumner Municipal Code as reflected in the ordinance.

The codes are crafted by the National Building Code Council, amended and adopted by the State Building Code Council and passed on to local jurisdictions for final adoption. The codes as handed down from the State Council are minimum standards. The Washington State Building Code Council adopted changes and updates in February 2021. Local governments may adopt more stringent, but cannot adopt lesser, standards.

The 2018 updates are minor adjustments to the regulations with no broad reaching impacts to the building industry or business. Staff recommends that the City Council adopt all the amendments as approved by the State with no changes.

COUNCIL COMMITTEE/STUDY SESSION: CD Committee

MEETING/STUDY SESSION DATE: 9/22/2021

COMMITTEE RECOMMENDATION: Pending

STAFF RECOMMENDATIONS/MOTION:

Do Pass.

**ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE, 2018 EDITION; INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION; THE WASHINGTON STATE ENERGY CODE, 2018 EDITION; THE INTERNATIONAL FIRE CODE, 2018 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION; THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION; THE UNIFORM PLUMBING CODE AND INTERNATIONAL PLUMBING CODE STANDARDS, 2018 EDITION; AND AMENDING SECTIONS 15.08.010, 15.12.010, 15.20.010, 15.24.010, 15.32.010, 15.36.010, 15.44.010, AND 15.48.010 OF THE SUMNER MUNICIPAL CODE.

WHEREAS, the Washington State Building Code Council adopted the International Building Code; International Existing Building Code, the Washington State Energy Code, the International Fire Code, the International Residential Code, the International Swimming Pool and Spa Code, the International Mechanical Code, the Uniform Plumbing Code and International Plumbing Code Standards which is effective in all counties and cities on **February 21, 2021**, and;

WHEREAS, in order to protect the public health, safety, general welfare, and property of the citizens of the City of Sumner, it is now necessary to adopt the 2018 Edition International Codes with local amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That Section 15.08.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.08 BUILDING CODE

15.08.010 Codes adopted.

Pursuant to RCW 35A.12.140, the International Building Code, ~~2015~~ 2018 Edition, published by the International Code Council as amended by the Washington State Building Code Council and published in chapter 51-50 WAC, are adopted by this reference, including Accessible and Usable Buildings and Facilities, ICC/ANSI A 117.1-2009.

Section 2. That Section 15.12.010 of the Sumner Municipal Code is hereby amended to read as follows:

15.12 EXISTING BUILDING CODE

15.12.010 Code adopted.

Pursuant to RCW 35A.12.140, the International Existing Building Code ~~2015~~ 2018 Edition, published by the International Conference of Building Officials and filed as chapter 51-50 WAC is adopted by this reference.

Section 3. That Section 15.20.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.20 ENERGY CODE

15.20.010 State code adopted.

Pursuant to RCW 35A.12.140, the Washington State Energy Code, ~~2015~~ 2018 Edition, as amended by the Washington State Building Code Council and filed as chapter 51-11 WAC, is hereby adopted by this reference.

Section 4. That Section 15.24.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.24 FIRE CODE

15.24.010 Adoption of the International Fire Code (IFC).

Pursuant to RCW 35A.12.140, there is hereby adopted by the city council of the city of Sumner, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the International Fire Code, being particularly the ~~2015~~ 2018 Edition thereof and the whole thereof including Appendix B and Appendix D, save and except such portions as are hereinafter deleted, modified or amended by SMC 15.24.080. The same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city of Sumner.

Section 5. That Section 15.24.020 of the Sumner Municipal Code is hereby amended to read as follows:

15.24.020 Establishment and duties of the bureau of fire prevention.

The individual or entity designated by the city administrator as the fire code official, ~~as defined in SMC 15.24.030(C),~~ has the authority to enforce the ~~2012~~ 2018 International Fire Code as adopted.

Section 6. Repealed. That Section 15.24.030 of the Sumner Municipal Code is hereby repealed.

15.24.030 Definitions.

As used in the 2012 International Fire Code:

A. “Corporation counsel” means the city attorney.

B. “Fire chief” means the fire code official as defined in subsection (C) of this section.

C. “Fire code official” means the individual or entity designated by the city administrator to enforce, interpret, review, and make inspections related to the International Fire Code, as adopted and amended by the city of Sumner.

D. “Jurisdiction” means within the city limits of the city of Sumner.

E. ~~C.~~ “Municipality” means the city of Sumner.

Section 7. That Section 15.24.040 of the Sumner Municipal Code is hereby amended to read as follows:

15.24.040 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 5704.2.9.6 of the ~~2012-2018~~ International Fire Code, in which the storage of flammable or combustible liquids is restricted, are hereby established within areas zoned other than M-1 or M-2

Section 8. That Section 15.24.050 of the Sumner Municipal Code is hereby amended to read as follows:

15.24.050 Establishment of limits of districts in which storage of liquefied petroleum gases is prohibited.

The limits referred to in Section 6104.2 of the ~~2012-2018~~ International Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established within areas zoned other than M-1 or M-2.

Section 9. That Section 15.24.060 of the Sumner Municipal Code is hereby amended to read as follows:

15.24.060 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in Section 5601 of the ~~2012-2018~~ International Fire Code, in which storage of explosives and explosive materials ~~blasting agents~~ is prohibited, are hereby established within all areas lying within the corporate limits.

Section 10. That Section 15.24.070 of the Sumner Municipal Code is hereby amended to read as follows:

15.24.070 Establishment of limits of districts in which the storage of compressed natural gas and liquefied natural gas is to be prohibited.

The limits referred to in Section 5301.1 of the ~~2012-2018~~ International Fire Code, in which the storage of compressed ~~natural~~ gas is prohibited, are hereby established within all limits zoned other than IC, M-1 or M-2. The limits referred to in Section 5806 of the ~~2012-2018~~ International Fire Code, in which the storage of ~~liquefied natural gas~~/flammable cryogenic fluids is prohibited, are hereby established within all limits zoned other than IC, M-1 or M-2.

Section 11. That Section 15.32.010 of the Sumner Municipal Code, is hereby amended to read as follows:

Chapter 15.32 INTERNATIONAL RESIDENTIAL CODE

15.32.010 Adopted.

Pursuant to RCW 35A.12.140, the International Residential Code, ~~2015~~ 2018 Edition, including Appendix chapters A, B, C, F, G, H, J, and M published by the International Code Council as amended by the Washington State Building Code Council and published in chapter 51-51 WAC, are adopted by this reference.

Section 12. That Section 15.36.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.36 SWIMMING POOL AND SPA CODE

15.36.010 Adopted.

Pursuant to RCW 35A.12.140, the International Swimming Pool and Spa Code ~~2015~~ 2018 Edition, published by the International Code Council, as amended by the Washington State Building Code Council and published as chapters 51-51-0329 WAC are adopted by this reference.

Section 13. That Section 15.44.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.44 MECHANICAL CODE

15.44.010 Adopted.

Pursuant to RCW 35A.12.140, the International Mechanical Code, ~~2015~~ 2018 Edition, published by the International Code Council, as amended by the Washington State Building Code Council, and published as chapter 51-52 WAC, is adopted by this reference, including the ~~2015~~ 2018 International Fuel Gas Code. 2014 Liquefied Petroleum Gas Code (NFPA 58), and ~~2015~~ 2018 National Fuel Gas Code (NFPA 54).

Section 14. That Section 15.48.010 of the Sumner Municipal Code is hereby amended to read as follows:

Chapter 15.48 PLUMBING CODE

15.48.010 Adopted.

Pursuant to RCW 35A.12.140, the Uniform Plumbing Code and International Plumbing Code Standards, ~~2015~~ 2018 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and published as chapters 51-56 and 51-57 WAC are adopted by this reference.

Section 15. Severability. If any section, subsection, sentence, clause or phrase of this

chapter is, for any reason, held by a court to competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion of this chapter.

Section 16. This ordinance shall take effect (5) days from the date of publication in the City's official newspaper.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of _____ 2021.

William L. Pugh, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Converse, CMC City Clerk

Andrea Marquez, City Attorney

First Reading:
Date Adopted:
Date of Publication:
Effective Date: